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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,419	11/14/2003	Mark L. Iske	SHAR/501US	2734
22031	7590	03/07/2006	EXAMINER	
NICK A NICHOLS P O BOX 16399 SUGARLAND, TX 774966399			BUI, LUAN KIM	
			ART UNIT	PAPER NUMBER
			3728	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

8p

Office Action Summary	Application No.	Applicant(s)	
	10/713,419	ISKE ET AL.	
	Examiner	Art Unit	
	Luan K. Bui	3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19, 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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As a point of clarification, claim 15 should be depended from claim 12 instead of claim 11 to provide to antecedent basis for the phrase "said first and second access doors".

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 11 is finally rejected under 35 U.S.C. 102(b) as being anticipated by Kirksey (4,576,281). Kirksey discloses a sharps disposal system (22) comprising a substantially rigid cabinet (24) defining an inner chamber, a sharps receptacle (44) contained within the cabinet, access means (34, 60) providing access to the inner chamber for collecting and disposing of sharps deposited in the sharps receptacle and lock means (48) for locking the cabinet (Figure 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5, 10-13, 15-17 and 19 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Kirksey (4,576,281) in view of Vanderbeck (3,469,750) or Truesdale et al. (5,637,238; hereinafter Truesdale'238) and McCarthy (6,332,554). Kirksey discloses a sharps

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disposal system (22) comprising a substantially rigid cabinet (24) defining an inner chamber, a sharps receptacle (44) contained within the cabinet, a door/second access door (34) pivotally secured to the cabinet and lock means (48) for locking the cabinet upon closing the door.

Kirksey also discloses the other claimed limitations except for a first access door being pivotally connected to the cabinet.

Vanderbeck shows a sharps disposal system (10) comprising a cabinet (12), a first access door secured (14) to the cabinet and a second access door (16) secured to the cabinet. Truesdale'238 suggests shows a sharps disposal system (10) comprising a cabinet (14), a first access door secured (16) to the cabinet and a second access door (218) secured to the cabinet. McCarthy teaches a storage box (1) comprising a housing (2-5), a first access door (6) pivotally secured to the housing and a second access door (7) pivotally connected to the housing and a lock (15-18) for securing the box upon closing the first and second access doors.

It would have been obvious to one having ordinary skill in the art in view of Vanderbeck or Truesdale'238 and McCarthy to modify the system of Kirksey so it comprises a first access door secured to the cabinet as taught by Vanderbeck or Truesdale'238 for better access into the interior of the cabinet and the first access door is pivotally secured to the cabinet as taught by the second access door of Kirksey or McCarthy to facilitate opening and closing the cabinet.

As to claims 2, 13 and 19, Kirksey discloses a conduit (60).

As to claim 4, Vanderbeck shows a bracket for holding a receptacle (48) (Figure 2).

As to claims 10 and 16, Kirksey discloses the sharps receptacle comprises threads (46) for engaging with threads on a lid.

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5. Claim 3 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 2 above, and further in view of Honeycutt et al. (6,010,444; hereinafter Honeycutt'444). Kirksey further fails to show the sharps receptacle includes a lid having segmented fingers. Honeycutt'444 shows a container (1) having a fluid tight seal (2) with segmented fingers extending radially inward toward the center of an opening (Figure 1). It would have been obvious to one having ordinary skill in the art in view of Honeycutt'444 to modify the sharps receptacle of Kirksey so the lid of the sharps receptacle having segmented fingers to prevent the sharps from falling out of the receptacle.

6. Claims 6-9, 14 and 20 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claims 1, 11 and 19 above, and further in view of Marsh (5,647,502) or Baker, Sr. et al. (4,662,516; hereinafter Baker'516). Kirksey further fails to show a mounting bracket for securing the cabinet to a mounting surface. Marsh teaches a cabinet (120) and a mounting bracket (110) for securing the cabinet to a mounting surface (Figure 1). Baker'516 shows a sharps disposal system (10, 11) comprising a cabinet (11) and a mounting bracket (15) for securing the cabinet to a mounting surface. It would have been obvious to one having ordinary skill in the art in view of Marsh or Baker'516 to modify the system of Kirksey as modified so it includes a mounting bracket for better securing the cabinet to a mounting surface such as a wall to provide more convenience for a user.

Response to Arguments

Applicant's arguments filed on 1/20/2006 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, although Kirksey fails to provide a first access door but either Vanderbeck or Truesdale'238 shows the system having the first and second access doors. Therefore, it does not appear to be anything unobvious about using the teaching of either Vanderbeck or Truesdale'238 to provide another access door such as the first access door to the system of Kirksey to facilitate access into the interior of the cabinet.

Applicant's arguments with respect to Vanderbeck and Truesdale'238 in the remarks are noted. They are not persuasive because Vanderbeck shows two covers/doors even though door 14 encloses the electrical components chamber but it is a door and Truesdale'238 discloses two covers/doors whether at least one of the door 218 is discouraged to disassemble but it is capable of removing from the cabinet.

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Regarding claim 2, Kirksey as modified discloses a conduit depending downwardly from the first access door.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

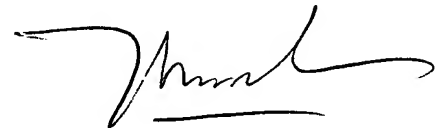
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. **The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Formal papers and After Final communications.**

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lkb
March 3, 2006



Luan K. Bui
Primary Examiner
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